D. B. CIVIL SPECIAL APPEAL NO.30/2005

DATE OF ORDER : 17-07-2007

HON'BLE MR. JUSTICE P.B.MAJMUDAR,J.
HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI,J.

Mr. Niraj Jain for appellant(s).
Mr. M.R. Singhvi for respondent(s).

This appeal is filed against an ex-parte. Order passed by the learned Company Judge as well as subsequent order dated 25.2.2005. It is submitted before us that in view of the advertisement already published in the newspaper, there is no question of staying the order, as that part of prayer has become infructuous. In order to take all other issues in the pending Company petition, including that of maintainability of such Company petition before the High court, counsel for appellant wants to withdraw this appeal reserving his right to take all issues in pending petition. Permission is granted. It will be open for the appellant to raise all the points in accordance with law in pending company petition. Subject to this, the appeal is dismissed as withdrawn.

(MUNISHWAR NATH BHANDARI),J. (P.B.MAJMUDAR), J.

tcd.